

MICHIGAN EMPLOYMENT RELATIONS COMMISSION POLICY ON FILING VIA FACSIMILE TRANSMISSION

Introduction

The Michigan Employment Relations Commission (MERC) will accept the filing of specific documents of ten (10) or fewer pages via facsimile transmission.

Documents Accepted Via Facsimile Transmission

The following documents of ten (10) or fewer pages will be accepted by the Commission if transmitted to the facsimile machines of the Bureau of Employment Relations during normal business hours:

Labor Relations Division

Unfair labor practice charges
Hearing adjournment requests
Standard scheduling/withdrawal correspondence
Requests for extensions of time for filing
Briefs of less than 10 pages that are to be submitted to an ALJ

Elections Division

Consent to election forms
Employer's lists of employees to determine showing of interest
Excelsior lists
Objections to elections

Mediation Division

Notices to mediation agencies
Requests for grievance mediation
Responses to requests for mediation information

Arbitration and/or Fact Finding

Responses to panel lists

Other documents of ten or fewer pages, with the exception of showing of interest cards or documents, will be accepted only with the advance permission of the Bureau Director or her designated representative, which may be obtained by telephone and must be confirmed in writing by the requester.

Facsimile transmissions in contravention of this rule will not be considered filed.

Original and Required Copies

If the statute and/or rules require that an original and/or copies of a document be filed, the person submitting the document by facsimile must file the original and required copies

with the Commission at the office to which the facsimile was transmitted. The filing is considered complete on the date the facsimile is received, provided that the original and the remaining copies are filed within five (5) business days.

If the statute and/or rules do not require the filing of an original and/or copies of a document (e.g., letters requesting adjournments or extensions of time), the facsimile is sufficient and additional copies should not be filed.

Burden on Filer

A failure to timely file or serve a document will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was offline, busy, or unavailable. The Commission recommends that parties telephone the receiving office to confirm receipt.

Service of Documents Filed Via Facsimile Transmission

Documents filed via facsimile transmission shall be served on all parties via facsimile with the advance permission of the person receiving the document, or in a more expeditious manner.

Authority

This policy is adopted in accordance with 423.181 of the Michigan Employment Relations Commission General Rules. It may be rescinded or modified at any time with appropriate notice.

Adopted: September 16, 2005